



# **LIFE, LIBERTY & THE PURSUIT OF PUBLIC HEALTH**

## ***Reflections on Immunization Requirements***

### **CONCLUSIONS**

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# 1905 – Jacobson v. Massachusetts

## **Justice Harlan:**

Limits based on “the necessity of the case”; not exceed what is reasonably required for the safety of the public.

Compulsory measures should not pose a health risk to the subject; must not be arbitrary and oppressive.

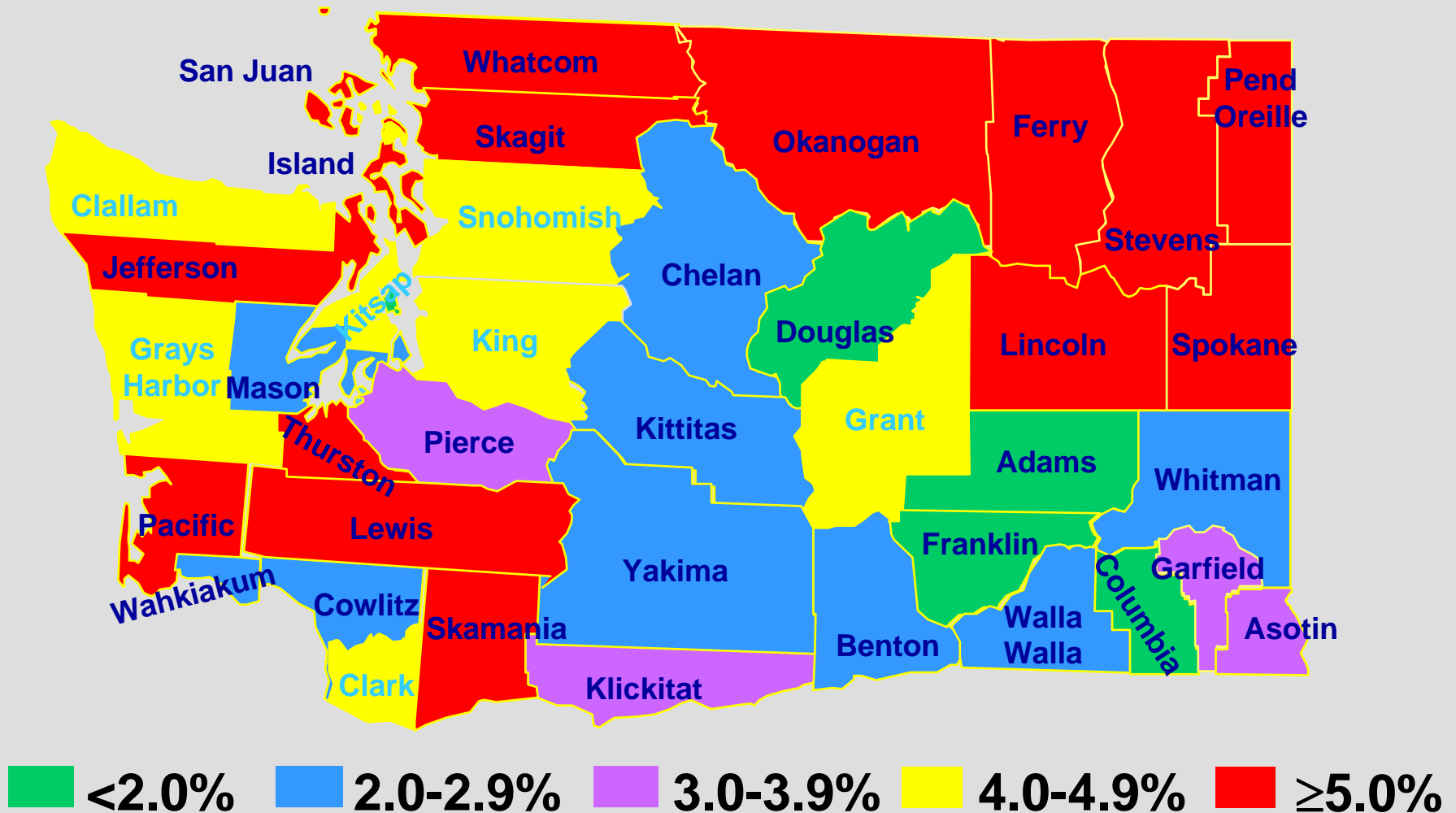
# The Trade-offs

- What is the balance between:
  - the state's duty to protect the public health
  - and the right of an individual to choose?
- What disease risk balanced by what assurance of vaccine safety justifies a mandate?

# Define the Rationale For A Mandate

- Differentiate health risks & benefits for the individual and for the community
- What constitutes a public health risk or benefit?
  - Contagion or epidemic
  - Illness, injury, disability, death
  - Adverse effect on children
  - Cost of care, disability

# WA State Counties' School Exemption Rates 2004



Source: WA State Department of Health

# Conclusions I: Immunization Mandates

1. Valuable public health tool in U.S.
2. Should be limited to diseases of indisputable public health importance
3. Rationale should be clearly stated
4. Require strong medical community support
5. Should involve lay public



**Role of industry**

## Conclusions II:

# Immunization Exemptions

1. Exemptors more likely to develop and spread diseases such as measles and pertussis
2. Exemptors' parents vary in which vaccinations they accept; their beliefs differ from non-exemptors
3. Exemption levels appear to relate to the administrative requirements for obtaining exemption
4. WA State exemptions are increasing; a substantial proportion appear to be “convenience” exemptions

# Conclusions III

## Immunization Exemptions:

5. Eliminate schools' financial incentive for using exemptions
6. Monitor exemption rates; understand reasons
7. Address erroneous perceptions of risk
8. Ensure that exemption is a thoughtful process, avoiding onerous or irrelevant hurdles